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PTO/SB/21 (08-00)

Approval for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number 09/918,359

Filing Date Jul 30, 2001

First Named Inventor Turner

Group Art Unit 1646

Examiner Name J. Murphy

Attorney Docket Number LEX-0208-USA

Total Number of Pages in This Submission 11

## ENCLOSURES (check all that apply)

☒ Fee Transmittal Form  
(Original & Copy)

☐ Fee Attached

☒ Amendment / Reply

☐ After Final

☐ Affidavits/declaration(s)

☐ Extension of Time Request

☐ Express Abandonment Request

☐ Information Disclosure Statement

☐ Certified Copy of Priority  
Document(s)

☐ Response to Missing Parts/  
Incomplete Application

☐ Response to Missing Parts  
under 37 CFR 1.52 or 1.53

☐ Assignment Papers  
(for an Application)

☐ Drawing(s)

☐ Licensing-related Papers

☐ Petition

☐ Petition to Convert to a  
Provisional Application

☐ Power of Attorney, Revocation  
Change of Correspondence Address

☐ Terminal Disclaimer

☐ Request for Refund

☐ CD, Number of CD(s) \_\_\_\_\_

☐ After Allowance Communication  
to Group

☐ Appeal Communication to Board  
of Appeals and Interferences

☐ Appeal Communication to Group  
(Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☒ Other Enclosure(s) (please  
identify below):

- Return postcard

Remarks

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm

or

Individual name

Lexicon Genetics Incorporated

Lance K. Ishimoto

Reg. No. 41,866

Signature

*Lance K. Ishimoto by David W. Haber*  
REG. NO. 41,071

Date

September 23, 2002



24231

PATENT TRADEMARK OFFICE

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Arlington, VA 22202 on this date: September 23, 2002

Typed or printed name

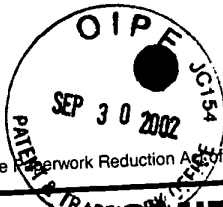
Michelle Klein

Signature

*Michelle Klein*

Date

September 23, 2002



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Approved for use through 10/31/2002 OMB 0651-0032  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
number.

# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 84.00)

Complete if Known  
Application Number 09/918,359

Filing Date 7/30/2001

First Named Inventor Turner

Examiner Name 1646

Group Art Unit J. Murphy

Attorney Docket No. LEX-0208-USA

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TECH CENTER 1600/2900

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account

Deposit Account Number  
Deposit Account Name

50-0892

Lexicon Genetics Incorporated

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$)

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims		Extra Claims		Fee from below	Fee Paid
		-20**=	X		
Independent		-3**=	X	42.00	84.00
Multiple Dependent					

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple dependent claim, if not paid	
109	84	209	42	**Reissue independent claims over original patent	
110	18	210	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$ 84.00)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i>	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840**	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

SUBTOTAL (3) (\$)

\*Reduced by Basic Filing Fee Paid

## SUBMITTED BY

Name (Print/Type) Lance K. Ishimoto

Registration No. (Attorney/Agent)

41,866

Complete (if applicable)

Telephone

281-863-3333

Signature

Lance K. Ishimoto by David W. Hisher REG. NO. 41,071

Date

09/23/02



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TECH CENTER 1600/2900

Applicant(s): Turner Jr. *et al.* (As Amended) Group Art Unit: 1646  
Application No.: 09/918,359 Examiner: J. Murphy  
Filed: 07/30/2001 Atty. Docket No.: LEX-0208-USA  
Title: Novel Human Ion Channel Proteins and  
Polynucleotides Encoding the Same

**AMENDMENT AND RESPONSE TO RESTRICTION AND ELECTION  
REQUIREMENTS DATED AUGUST 28, 2002**

Assistant Commissioner for Patents  
Arlington, VA 22202

Sir:

The Examiner is respectfully requested to enter the following amendments. A response to the Restriction and Election Requirement dated August 28, 2002 (Paper No. 6, hereafter "the Requirement") is also included herewith, and the Examiner is respectfully requested to consider the remarks therein.

The response is due on September 28, 2002, which falls on a Saturday and is therefore extended until Monday, September 30, 2002 under 37 C.F.R. § 1.7. The response is thus timely filed, and Applicants believe no fees in addition to the fee due under 37 C.F.R. § 1.17(i) (see Section V below) are due in connection with this response. However, the Commissioner is authorized to charge any additionally required fees or credit any overpayment to Deposit Account No. 50-0892.

10/01/2002 SZENDIE1 00000034 500892 09918359  
01 FC:202 84.00 CH

**AMENDMENT**

**In the claims:**

Please cancel claims 2-4, entirely without prejudice and without disclaimer, as drawn to non-elected inventions.

Please amend the claims so that the text of the amended claims read as follows:

